

Chapter 317-40 WAC

VESSEL OIL TRANSFER STANDARDS

PART A: GENERAL REQUIREMENTS

AMENDATORY SECTION (Amending WSR 94-16-076, filed 7/29/94, effective 10/29/94)

WAC 317-40-010 ((~~Purpose.~~)) Applicability of this chapter.
~~((This chapter establishes minimum standards for safe bunkering operations to reduce the likelihood of an oil spill by:~~
~~(1) Emphasizing the importance of proper procedures, communication and monitoring before, during and after a bunkering operation;~~
~~(2) Ensuring that the duties of each person involved in a bunkering operation are clearly defined; and~~
~~(3) Requiring vessel owners and operators to adopt company policies that improve the safety of bunkering.))~~ (1) Except as provided in subsection (2) of this section, this chapter applies to the following bulk oil transfers occurring on or over waters of the state. Any bulk oil transfer to or from a:
(a) Tank vessel;
(b) Cargo vessel;
(c) Passenger vessel;
(d) Facility; or
(e) A lightering operation (WAC 317-40-110 only).
(2) This chapter does not apply to:
(a) An oil spill recovery vessel that is engaged in spill response activities;
(b) A vessel's internal oil transfers.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-010, filed 7/29/94, effective 10/29/94.]

NEW SECTION

WAC 317-40-015 Purpose. (1) This chapter establishes minimum standards for safe oil transfer operations to meet a zero spill goal established by the legislature. This chapter emphasizes:

(a) Using a scaled approach that sets standards for safe oil transfer operations to protect people and the environment;

(b) The importance of proper procedures, communication, and monitoring before, during and after oil transfer operations;

(c) That the duties of each person involved in an oil transfer operation are clearly defined; and

(d) It is the vessel owners and operators obligation to adopt company policies that improve the safety of oil transfer operations.

(2) The purpose of this chapter is to implement chapter 88.46 RCW Vessel oil spill prevention and response to regulate the transfer of oil on or over waters of the state.

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AMENDATORY SECTION (Amending WSR 94-16-076, filed 7/29/94, effective 10/29/94)

WAC 317-40-020 ((Application.)) Authority. ((This chapter applies to all bunkering operations to refuel a self-propelled covered vessel 300 gross tons or more, and to all owners, operators, persons-in-charge, and other personnel involved in bunkering in state waters.)) (1) The legislature granted ecology the authority to adopt these rules under RCW 88.46.160 which provides statutory authority for regulating the transfer of oil on or over waters of the state.

(2) The owner or operator of a vessel must allow ecology on board the vessel for the purposes of ensuring compliance with the

oil transfer operation requirements of this chapter.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-020, filed 7/29/94, effective 10/29/94.]

NEW SECTION

WAC 317-40-025 Definitions. Unless the context clearly requires otherwise, the definitions in chapter 317-05 WAC and the following apply to this chapter:

(1) "Boom" means flotation boom or other effective barrier containment material suitable for containment of oil that is discharged onto the surface of the water.

(2) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(3) "Bunkering" means a bulk oil transfer operation to replenish a self-propelled covered vessel with fuel or lubricating oil.

(4) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred gross tons or more, including, but not limited to, commercial fish processing vessels and freighters.

(5) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(6) "Director" means the director of the department of ecology.

(7) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping regardless of quantity.

(8) "Ecology" means the department of ecology.

(9) "Facility" means:

(a) Any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that both:

(i) Transfers oil in bulk to or from a tank vessel or pipeline; and

(ii) Is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state;

(ii) Underground storage tank regulated by ecology or a local government under chapter 90.76 RCW;

- (iii) Motor vehicle motor fuel outlet;
 - (iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or
 - (v) Marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a tank covered vessel, in a single transaction.
- (10) "Gross ton" means a vessel's approximate volume as defined in Title 46, United States Code of Federal Regulations (CFR), Part 69.
- (11) "Innage" means the difference from the surface of the liquid to the tank bottom.
- (12) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.
- (13) "Nonrecreational vessel" means any vessel that is not a recreational vessel as defined in this section.
- (14) "Oil" or "oils" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302 adopted August 14, 1989, under section 101(4) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.
- (15) "Oil transfer" means a transfer of oil in bulk on or over waters of the state.
- (16) "Oil transfer procedure" means the document required under 33 CFR 155.720 that contains information required under 33 CFR 155.750 including bunkering procedures.
- (17) "Owner" or "operator" means:
- (a) In the case of a vessel, any person owning, operating, or chartering by demise, the vessel;
 - (b) In the case of an onshore or offshore facility, any person owning or operating the facility; and
 - (c) In the case of an abandoned vessel, onshore, or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.
- "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.
- (18) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.
- (19) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, co-partnership, association, firm, individual, ship, or any other entity whatsoever.
- (20) "Personnel" means individuals employed by, or under

contract with a facility or vessel.

(21) "Person in charge" or "PIC" means a person qualified and designated as required under 33 CFR 155, for vessels, 33 CFR 154 for Class 1, 2, or 3 facilities, or the person with overall responsibility for oil transfer operations if not otherwise designated.

(22) "Proficient in English" means the ability to clearly speak the English language so personnel from other vessels and facilities understand and may safely complete an oil transfer operation.

(23) "Recreational vessel" means a vessel operated for pleasure, which when leased, rented, or chartered to another is used for pleasure.

(24) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(25) "Spill" means an unauthorized discharge of oil into the waters of the state.

(26) "State" means the state of Washington.

(27) "Tank barge" means a tank vessel without a means of self-propulsion, and a self-propelled tank vessel less than forty meters (one hundred and thirty feet) in overall length.

(28) "Tank ship" means a self-propelled tank vessel forty or more meters in overall length.

(29) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(30) "Training" means instructional materials and procedures, including, but not limited to, materials, practical exercises, and drills.

(31) "Topping off" means the receipt of oil into the last ten percent of available tank capacity in any tank.

(32) "Ullage" means the depth of space above the free surface of the fluid to the reference datum of that tank.

(33) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

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AMENDATORY SECTION (Amending WSR 94-16-076, filed 7/29/94, effective 10/29/94)

WAC 317-40-030 ((Definitions.)) Compliance with federal rule or law. ((Unless the context clearly requires otherwise, the definitions in chapter 317-05 WAC and the following apply to this chapter:))

(1) "Bunkering" means an oil transfer operation to replenish a self-propelled covered vessel 300 gross tons or more with fuel or bunkers used to propel the vessel.

(2) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred gross tons or more, including but not limited to, commercial fish processing vessels and freighters.

(3) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(4) "Innage" means the difference from the surface of the liquid to a fixed datum plate or to the tank bottom.

(5) "Office" means the office of marine safety.

(6) "Oil transfer procedure" means the document required under 33 C.F.R. Sec. 155.720 that contains information required under 33 C.F.R. Sec. 155.750 including bunkering procedures.

(7) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(8) "Person in charge" means, for vessels, the person designated under 33 C.F.R. Sec. 155.700 who meets the qualifications under 33 C.F.R. Sec. 155.710. For facilities, it is the person designated under 33 C.F.R. Sec. 154.700 who meets the qualifications of 33 C.F.R. Sec. 154.710.

(9) "Proficient in English" means the ability to clearly speak the English language so personnel from other vessels and facilities understand and may safely complete a vessel operation.

(10) "Tank vessel" means a ship 300 gross tons or more that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of the state.

A ship is constructed or adapted to carry oil in bulk as cargo or cargo residue if authorized to do so under the ship's certification. A vessel carries oil as cargo or cargo residue if the oil is carried for dispensing to other vessels or equipment off the vessel, or for delivery from point to point, regardless of whether direct compensation for carriage is involved. A vessel being used to collect spilled oil from the water, and may have some recovered oil storage capacity, does not carry oil as cargo.

~~(11) "Training" means instructional, materials, and procedures, including shipboard materials, practical exercises, and drills.~~

~~(12) "Topping off" means the receipt of bunker oil into the last ten percent of available tank capacity in any bunker tank.~~

~~(13) "Ullage" or "outage" means the depth of space above the free surface of the fluid to the tank top.))~~ (1) Any person with oil transfer duties must comply with applicable provisions of federal law and regulations governing licensing, documentation, equipment, operations, and oil transfers.

(2) The following Code of Federal Regulations (CFR) in effect on the effective date of this rule are incorporated by reference:

(a) 33 CFR 155.310, 155.700, 155.780, 155.720, and 155.750.

(b) 33 CFR 156.120 and 156.150.

(c) 46 CFR Part 16.

(3) All federal regulations incorporated in this chapter are available through the National Archive and Records Administration web site located here: <http://www.gpoaccess.gov/cfr/index.html>.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-030, filed 7/29/94, effective 10/29/94.]

NEW SECTION

WAC 317-40-035 Inspections. (1) Ecology may verify compliance with this chapter by announced and unannounced inspections in accordance with RCW 88.46.160.

(2) To demonstrate compliance with this chapter, ecology may ask for the following documents, as they relate to oil transfers, to be made available for review:

(a) Official, deck, cargo operations, and engineering logs;

(b) Written company policies, procedures, and checklists;

(c) Standing orders;

(d) Preloading plans or cargo transfer plans;

(e) Declaration of inspections (DOI);

(f) Oil transfer procedures;

(g) Training materials related to oil transfer operations; and

(h) Any wind speed and direction information and swell height information if it is recorded independently of the deck log book.

(3) Ecology may require the vessel to demonstrate the ability to meet transfer containment and recovery standards in WAC 317-40-110.

(4) Ecology may provide a preliminary inspection report to the

owner or operator at the conclusion of the inspection.

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AMENDATORY SECTION (Amending WSR 94-16-076, filed 7/29/94, effective 10/29/94)

WAC 317-40-040 (~~((Compliance with federal law and regulations.))~~) **Recordkeeping.** (~~((1) All bunkering and personnel involved in bunkering must comply with applicable provisions of federal law and regulations governing licensing, documentation, and oil transfer operations under 33 C.F.R. Sec. 155 and 156, and 46 C.F.R. Sec. 12, 15, and 35.~~

~~((2) Federal law and regulations applicable to bunkering on the effective date of these rules are hereby incorporated. Any amendment or recodification of an applicable federal law or regulation is also hereby incorporated unless expressly stated otherwise.))~~ (1) Records required by this rule must be maintained and made available to ecology for a minimum of three years, except for the following: Preload plans or cargo transfer plans and declaration of inspection (DOI) kept on the vessel for at least thirty days from date of the oil transfer operation.

(2) A vessel's owner or operator must maintain, and, if requested by ecology provide records such as log book entries, maintenance records or other records required in this chapter.

(3) All records required in this chapter must be available to ecology for photocopying upon request.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-040, filed 7/29/94, effective 10/29/94.]

NEW SECTION

WAC 317-40-045 Threat of an oil spill. (1) Ecology may determine that immediate action is necessary to suspend or delay oil transfer operations if there is a condition posing a substantial threat of discharge of oil on or over waters of the state, or harm to public health and safety, or both.

(2) Ecology may:

(a) Issue an administrative order that may require immediate suspension of oil transfer operations;

(b) Specify each condition requiring immediate action to eliminate the condition; and

(c) Notify the PICs that oil transfers may resume once ecology is satisfied the threat has been addressed.

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AMENDATORY SECTION (Amending WSR 94-16-076, filed 7/29/94, effective 10/29/94)

WAC 317-40-050 (~~((Receiving vessel procedures.))~~) Oil spills.
(~~((Receiving vessel personnel on a covered vessel being refueled in state waters shall comply with the requirements of this section.~~

~~(1) **Training.** Except for a receiving vessel subject to subsection (2) of this section, a receiving vessel's person in charge shall conduct a training session for all personnel with duties under the vessel's oil transfer procedure within 48 hours before a vessel's scheduled bunkering. If personnel not assigned bunkering duties in the oil transfer procedure are assigned such duties, the person in charge shall train such personnel before they assume bunkering responsibilities. Training shall be conducted in a language common to both the person in charge and personnel being trained. The training shall include, but is not limited to, a review of the:~~

~~(a) Vessel's preloading plan as described in subsection (3) of this section;~~

~~(b) Civil and criminal penalties and liabilities for not complying with federal and state regulations, and for spilling oil in Washington waters;~~

~~(c) Vessel's oil transfer procedure, including each person's responsibilities and station;~~

~~(d) English phrases and hand signals to communicate the instructions listed in subsection (8)(b) of this section; and~~

~~(e) Emergency shutdown procedures described under WAC 317-40-065.~~

~~(2) **Intrastate operation.**— A receiving vessel underway in state waters more than 50 percent of the time in a calendar year and that bunkers three or more times in a month shall conduct the training session described in subsection (1) of this section at least once every month.~~

~~(a) The receiving vessel's owner or operator shall submit a written schedule of the vessel's operations to the office stating:~~

~~(i) The vessel's name, call sign, and official number;~~

~~(ii) The typical routes served by the vessel; and~~

~~(iii) The typical number of bunkering operations performed in any 30 days.~~

~~(b) The receiving vessel's owner or operator shall notify the office in writing within 30 days of making a change in the vessel's typical operations~~

~~(3) **Preloading plan.**— The receiving vessel's person in charge shall prepare a preloading plan prior to conducting the training session required under subsection (1) of this section. The person in charge shall ensure that a copy of the plan is posted at a place where the plan is easily seen by, and in a language common to, vessel personnel engaged in bunkering. The preloading plan must include the:~~

~~(a) Identification, location and capacity of the vessel's bunker tanks receiving oil;~~

~~(b) Level and type of liquid in each bunker tank prior to the scheduled time for bunkering;~~

~~(c) Final ullage or innage, and percent of each bunker tank to be filled;~~

~~(d) Sequence in which the bunker tanks are to be filled; and~~

~~(e) Procedures to regularly monitor all bunker tank levels and valve alignments.~~

~~(4) **Watchstanders.**— The vessel's oil transfer procedure must designate a point-of-transfer watch and a deck-rover watch. Each watch must be equipped with two-way communications to communicate with the person in charge and vessel master or officer in charge.~~

~~(a) A point-of-transfer watch must remain at the point of connection with the delivering vessel during bunkering.~~

~~(b) The primary duty of the deck-rover is to monitor for oil spills on deck or over the side during bunkering. The deck-rover may perform other duties not in conflict with his or her primary duty. The deck-rover shall:~~

~~(i) Visually inspect the deck and water near or opposite all bunker tanks and each tank's sounding tube and vent, if accessible; and~~

~~(ii) Remain in a position during changing over of tanks or topping off to view any spillage on deck or in the water.~~

~~(5) **Personnel duties.**— Except for the deck-rover watch, personnel assigned bunkering responsibilities may perform only those duties assigned while the vessel is bunkering. All personnel assigned to bunkering shall comply with their assigned duties under the vessel's oil transfer procedure and remain at their work~~

~~stations during topping off.~~

~~(6) **Vessel access.** A receiving vessel must have an accommodation ladder in place to use for access between the receiving and delivering vessels, or between the receiving vessel and facility. If the vessel's master determines that the ladder is inaccessible from the delivering vessel another means of access must be provided that meets the standards established in the International Convention for the Safety of Life at Sea, 1974, as consolidated in 1986 (SOLAS). If the vessel master determines access is not safe due to weather or seastate, the master may allow communication by radio or by means set forth in subsection 8 of this section.~~

~~(7) **Soundings.** The receiving vessel's person in charge shall ensure that he or she receives sounding reports on tank levels according to the monitoring procedure established in the vessel's preloading plan.~~

~~(8) **Communication.**~~

~~(a) The receiving vessel's person in charge shall ensure that communication between the receiving and delivering vessel or facility is accomplished either visually and by voice, sound-powered phones, radio, or air horn as required under 33 C.F.R. Sec. 155.785. The receiving vessel's person in charge shall notify the delivering vessel's or facility's person in charge immediately before topping off begins.~~

~~(b) The person in charge shall ensure that bunkering personnel know and use English phrases and hand signals to communicate the following instructions during bunkering: "stop," "hold," "okay," "wait," "fast," "slow," and "finish.") (1) Personnel involved with the oil transfer must immediately stop an oil transfer operation whenever oil could originate from the current oil transfer operation and is:~~

~~(a) Observed in the water or on the shoreline adjoining the transfer area;~~

~~(b) Discharged into oil spill containment or on the deck; or~~

~~(c) Spilled into the water or onto the shoreline adjoining the transfer area.~~

~~(2) The deliverer must immediately stop the oil transfer at the request of any person on the receiving vessel.~~

~~(3) The PICs must make notifications as required in RCW 90.56.280.~~

~~(4) Before the oil transfer operation may resume:~~

~~(a) The source of the spill is controlled, contained, and a proper response is underway;~~

~~(b) The PICs must agree there is no significant threat to waters of the state or public health; and~~

~~(c) The PICs must receive approval from the state on-scene coordinator in coordination with the federal on-scene coordinator.~~

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-050, filed 7/29/94, effective 10/29/94.]

NEW SECTION

WAC 317-40-055 Noncompliance. Any violation of this chapter may be subject to enforcement and penalty sanctions of chapter 88.46 RCW.

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AMENDATORY SECTION (Amending WSR 94-16-076, filed 7/29/94, effective 10/29/94)

WAC 317-40-060 ((~~Bunkering by a facility.~~)) Alternative compliance. ((~~During the pretransfer conference, the person in charge for a receiving vessel being refueled by a facility shall ensure that the receiving vessel's personnel comply with these rules and with the facility's operations manual as required under chapter 173-180B WAC.~~)) (1) Any owner or operator may submit a proposal for alternative compliance for requirements in WAC 317-40-110 Transfer containment and recovery standards.

(a) Rate A deliverers may only submit an alternative compliance proposal for alternative measures in WAC 317-40-110(6).

(b) Rate B deliverers may only submit an alternative compliance proposal for alternative measures in WAC 317-40-110(8).

(2) The proposal must contain the following and in the order presented:

(a) Cover sheet with name of company seeking alternative compliance and point of contact information;

(b) Table of contents including supporting documents and appendices;

(c) Executive summary of the alternative proposal;

(d) A detailed description of the alternative proposal that includes, when appropriate, the equipment, personnel, operating procedures, and maintenance systems and any other alternatives that are being proposed;

(e) A detailed analysis of how the proposal offers equivalent or greater protection, prevention, and response measures as compared to the requirement in this chapter that includes:

(i) Methodology of the analysis;

(ii) Detailed results with supporting data, references, graphs, tables, pictures, and other relevant information;

(iii) Technical feasibility of proposal versus current requirements; and

(iv) Cost analysis of proposal versus current requirements.

(3) The owner or operator must submit the alternative compliance proposal to ecology at least one hundred twenty days before planned operation under this section.

(4) Ecology will make the proposal available for a thirty-day public review and comment period.

(5) Ecology may request additional information regarding any aspect of the proposal such as site specific meteorological, water current velocity, and other monitoring data to support the proposal.

(6) Ecology will respond to the owner or operator within ninety days of receipt of the proposal with a letter approving, conditionally approving, or disapproving the proposal.

(7) The approval will be valid for no more than two years from the date on the letter.

(8) Ecology may reconsider an approval, or conditional approval, at any time after a response to a significant oil spill by the company at the approved site.

(9) Ecology may approve the alternative compliance proposal if, based upon the documents submitted and other information available to the agency, it finds that:

(a) The alternative compliance proposal is complete and accurate; and

(b) The alternative compliance proposal would provide an equivalent or greater level of environmental protection in terms of spill prevention, preparedness, and response when compared with conventional compliance equipment, personnel, operating procedures, and maintenance systems.

(10) The owner or operator must submit one paper copy and one electronic copy of the proposal to ecology:

The Department of Ecology

Spill Prevention, Preparedness, and Response Program

Alternative Compliance Review

P.O. Box 47600

Olympia, WA 98504-7600

Or

The Department of Ecology

Spill Prevention, Preparedness, and Response Program

Alternative Compliance Review

300 Desmond Drive

Lacey, WA 98503

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-060, filed 7/29/94, effective 10/29/94.]

AMENDATORY SECTION (Amending WSR 94-16-076, filed 7/29/94, effective 10/29/94)

WAC 317-40-065 ((~~Emergency shut down procedures.~~)) Owner and operator responsibilities. ((~~(1) If any of the receiving vessel's personnel discovers an oil spill either on deck outside fixed containment, or on the water, or believes an oil spill is likely, he or she shall request immediate shutdown of the bunkering operation.~~

~~(2) The delivering vessel's personnel shall immediately activate the emergency shutdown device at the request of any person on the receiving vessel.))~~ Owners and operators of vessels conducting oil transfer operations must ensure that the requirements in this chapter are implemented and followed.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-065, filed 7/29/94, effective 10/29/94.]

AMENDATORY SECTION (Amending WSR 94-16-076, filed 7/29/94, effective 10/29/94)

WAC 317-40-070 ((~~Pretransfer conference.~~)) Severability. ((~~(1) Before any oil is transferred during bunkering, the receiving vessel's person in charge and the delivering vessel's or facility's person in charge shall hold a pretransfer conference as required under 33 C.F.R. Sec. 156.120. The persons in charge shall meet in person onboard either vessel or at the facility unless the receiving vessel's master determines it is unsafe under WAC 317-40-050(6). The persons in charge shall:~~

~~(a) State and discuss the contents of the declaration of inspection required under 33 C.F.R. Sec. 156.150;~~

~~(b) Discuss procedures for informing the delivering vessel's or facility's person in charge before the receiving vessel changes over tanks or begins topping off; and~~

~~(c) Discuss emergency shutdown procedures and identify each vessel's means to shut down the transfer in an emergency.~~

~~(2) The receiving vessel's person in charge shall identify for the delivering vessel's or facility's person in charge those~~

~~personnel designated as point-of-transfer watch and deck-rover watch.~~

~~(3) A receiving vessel may not receive bunkers unless a person proficient in English and a language common to the vessel's officers and crew is present at the pretransfer conference. The receiving vessel's owner or operator shall provide an interpreter proficient in English and a language common to the vessel's officers and crew at the request of the office, the delivering vessel's or facility's person in charge, or the U.S. Coast Guard.~~

~~(4) If the delivering vessel's person-in-charge is not satisfied with the receiving vessel's representative's English proficiency, he or she shall request an interpreter.)) If any provision of this chapter is held invalid, the remainder of the chapter is not affected.~~

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-070, filed 7/29/94, effective 10/29/94.]

PART B: OIL TRANSFER REQUIREMENTS FOR VESSELS

AMENDATORY SECTION (Amending WSR 94-16-076, filed 7/29/94, effective 10/29/94)

WAC 317-40-100 ~~((Owner and operator responsibilities.))~~
Advance notice of transfer. ~~((1) Owners and operators of receiving and delivering vessels must ensure that the procedures required under this chapter are implemented and followed on their vessels.~~

~~(2) Owners and operators shall ensure that records are kept as required by this chapter and federal regulations.))~~ (1) The delivering vessel involved in an oil transfer must notify ecology at least twenty-four hours prior to an oil transfer operation; except: If the delivering vessel cannot meet the notification requirements of this subsection, notice must be provided as soon as possible.

(2) The notice of transfer must be submitted to ecology on the Advanced Notice of Transfer form provided by ecology or a facsimile, and must contain the following information in the order provided:

(a) Company name, address, contact person and telephone number of organization delivering the oil;

(b) Date of transfer operation, estimated starting time, and duration of the oil transfer operation;

(c) Name of delivering vessel and receiving vessel or facility involved in the oil transfer, including LR/IMO or official number if available;

(d) City name and either the address or location/anchorage where the oil transfer operation will occur;

(e) Oil product type and quantity in gallons; and

(f) Whether or not prebooming will take place? (yes or no).

(3) Notification may be made by the delivering vessel's agent or other contracted representative.

(4) The notification form may be submitted via internet web site established by ecology, e-mail, or facsimile. The notification form and contact information is found on ecology's web site here:

<http://www.ecy.wa.gov/programs/spills/spills.html>.

(5) Compliance schedule: All delivering vessels must begin submitting advance notice within thirty calendar days of the effective date of this chapter.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-100, filed 7/29/94, effective 10/29/94.]

AMENDATORY SECTION (Amending WSR 94-16-076, filed 7/29/94, effective 10/29/94)

WAC 317-40-110 ((~~Location of bunkering (reserved).~~)) Transfer containment and recovery standards. This section applies to all oil transfers involving all jet fuels, diesels, heating oils, and any other oils that are recoverable when spilled to water. This section does not apply to vessels or facilities delivering gasoline, aviation gasoline, and other highly volatile products with similar characteristics.

(1) All persons delivering oil to nonrecreational vessels over waters of the state must comply with the following requirements:

(a) There are two rates for oil transfer containment and recovery standards. The deliverer must determine which rate is appropriate for each oil transfer operation they conduct.

(i) Rate A: Oil transfer operations at a rate over five hundred gallons per minute; and

(ii) Rate B: Oil transfer operations at a rate of five

hundred gallons per minute or less.

(b) Rate A oil transfers must preboom when it is safe and effective to do so. When prebooming is not safe and effective, the deliverer must meet the alternative measures in subsection (6) of this section. Prebooming requirements are found in subsection (5) of this section.

(c) Rate B oil transfer operations must choose one of the following:

(i) Preboom when safe and effective (subsection (7) of this section); or

(ii) Alternative measures (subsection (8) of this section).

(d) All boom and associated equipment, including the equipment used to deploy the boom, must be of the appropriate size and design based on the manufacturer's specifications for the environmental conditions of the transfer area.

(e) For the purposes of this section, the deliver must be able to quickly disconnect all boom in the event of an emergency.

(f) If multiple oil transfers are occurring with a single vessel and one product transferred is not appropriate to preboom, then the entire transfer must meet the alternative measures.

(2) Determination of safe and effective:

(a) If an owner or operator conducting Rate A transfers believes a transfer will not be safe and effective to preboom an oil transfer operation, the owner or operator must: Determine the threshold values when a delivering vessel will not preboom under WAC 317-40-110(5) and submit this information in a report to ecology. The information used to support these values must be based upon on-site environmental monitoring data recorded at specific times, dates, and locations. These values and the supporting data must address, at a minimum, the following site specific information during typical oil transfer operations:

(i) Personnel safety;

(ii) Sea state values including typical wave periods;

(iii) Water current velocity such as peak currents, sustained currents in hourly increments, and direction of flow, during typical oil transfer operations;

(iv) Wind speed in knots and prevailing directions;

(v) Other conditions such as vessel traffic, fishing activities, and other factors that influence the oil transfer operation.

(b) The owner or operator must submit the threshold values determination report to ecology for review and approval. Existing delivering vessels must submit the report within one hundred eighty calendar days from the effective date of this chapter. Delivering vessels that begin operating in Washington water after the effective date of this chapter must submit the report at least one hundred twenty days prior to the first oil transfer operation. The report must include, at a minimum, and in the order presented:

(i) Cover sheet with name of company submitting the report and point of contact information;

(ii) Table of contents including supporting documents and appendices;

(iii) A detailed description of the equipment, personnel, operating procedures, and maintenance systems and any other alternatives that are being proposed;

(iv) A detailed analysis of the proposed threshold values for the transfer site including:

(A) Methodology of the analysis;

(B) Equipment used to measure data collected;

(C) Supporting data, references, graphs, tables, pictures, and other relevant information.

(c) When reviewing threshold determination reports, ecology must consider the following:

(i) Personnel safety;

(ii) Operating environment of the transfer site(s) such as site specific meteorological, water current velocity and other monitoring data to support the threshold values determination;

(iii) Accepted industry standards regarding the performance of boom and associated response equipment in various operating environments;

(iv) Types of oil transfer operations including bunkering, cargo operations, transfer rates, and other factors that influence oil transfers.

(d) Ecology will make the report available for a thirty-day public review and comment period.

(e) Ecology will respond to the owner or operator within ninety days of receipt of the threshold values determination report with a letter approving, conditionally approving, or disapproving the report.

(f) One paper and one electronic copy of the threshold values determination report and appendices must be delivered to:

The Department of Ecology

Spill Prevention, Preparedness, and Response Program

Threshold Values Determination Report

P.O. Box 47600

Olympia, WA 98504-7600

(3) Rate A deliverers are required to report to ecology when the deliverer determines it is not safe and effective to preboom. The Ecology Boom Reporting Form publication may be submitted by e-mail or facsimile. The report must be submitted prior to the oil transfer or when conditions develop which require removal of the boom.

(4) Compliance schedule:

(a) Any vessel conducting Rate A transfers must meet all the requirements of this section except subsection (2) of this section within ninety calendar days from the effective date of this rule.

(b) Any vessel conducting Rate B transfers must meet all the requirements of this section within ninety days from the effective date of this rule.

(5) Rate A prebooming requirements.

(a) Prior to starting the oil transfer operation the deliverer must:

(i) Have access to boom four times the length of the largest vessel at the transfer location.

(ii) Deploy boom, identified in (a)(i) of this subsection, sufficient to completely surround the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation or the portion of the vessel and transfer area where oil may spill into the water that provides for maximum containment of spilled oil.

(iii) Deploy the boom with a minimum stand-off of five feet away from the sides of a vessel. This stand-off may be modified for short durations needed to meet a facility or ship's operational needs.

(iv) Check the boom positioning periodically and adjust the boom as necessary throughout the duration of the transfer and specifically during tidal changes and significant wind or wave events.

(v) Have personnel trained in the proper use and maintenance of boom and recovery equipment.

(vi) Have the following recovery equipment available on-site:

(A) Containers suitable for holding the recovered oil and oily water;

(B) Nonsparking hand scoops, shovels, and buckets; and

(C) Enough sorbent materials and storage capacity for a seven barrel oil spill appropriate for use on water or land.

(b) Within one hour of being made aware of a spill the deliverer must be able to complete deployment of the remaining boom (identified in (a)(i) of this subsection) for containment, protection or recovery.

(6) Rate A alternative measures:

(a) Rate A deliverers may only use these alternative measures when it is not safe and effective to meet the prebooming requirements in subsection (5) of this section.

(b) Prior to starting the oil transfer operation the deliverer must:

(i) Have access to boom four times the length of the largest vessel at the transfer location.

(ii) Give their primary response contractor advance notice of the transfer including the location, duration and product type.

(iii) Have the ability to safely track the spill in the dark if the oil transfer operation occurs during low light conditions. The tracking system must be on scene within thirty minutes of being made aware of a spill.

(iv) Have personnel trained in the proper use and maintenance of boom and recovery equipment.

(v) Have the following recovery equipment available on-site:

(A) Containers suitable for holding the recovered oil and oily water;

(B) Nonsparking hand scoops, shovels, and buckets; and

(C) Enough sorbent materials and storage capacity for a seven barrel oil spill appropriate for use on water or land.

(c) Within one hour of being made aware of a spill the deliverer must be able to completely surround the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation or the portion of the vessel and transfer area where oil

is most effectively contained in the event of a spill.

(d) Within two hours of being made aware of a spill, the deliverer must have all of the following:

(i) Additional boom four times the length of the largest vessel at the transfer location available for containment, protection, or recovery; and

(ii) A skimming system must be available on-site. The skimming system must be in stand-by status and be capable of fifty barrels recovery and one hundred barrels of storage.

(7) Rate B prebooming requirements:

(a) A deliverer transferring at Rate B may choose to meet the prebooming requirements in this subsection or the alternative measure requirements in subsection (8) of this section.

(b) Prior to starting the oil transfer operation the deliverer must:

(i) Deploy boom that completely surrounds the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation or the portion of the vessel and transfer area where oil may spill into the water that provides for maximum containment of spilled oil;

(ii) Have a stand-off of at least five feet from the sides of a vessel;

(iii) Check boom positioning periodically and adjust the boom as necessary throughout the duration of the transfer and specifically during tidal changes and significant wind or wave events;

(iv) Have personnel trained in the proper use and maintenance of boom and recovery equipment; and

(v) Have the following recovery equipment available on-site:

(A) Containers suitable for holding the recovered oil and oily water;

(B) Nonsparking hand scoops, shovels, and buckets; and

(C) Enough sorbent materials and storage capacity for a two barrel oil spill appropriate for use on water or land.

(c) Within one hour of being made aware of a spill, the deliverer must be able to completely deploy an additional five hundred feet of boom. This boom may be used for containment, recovery, or protection.

(8) Rate B alternative measures:

(a) Prior to starting the oil transfer operation the deliverer must:

(i) Have access to boom sufficient to completely surround the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation or the portion of the vessel and transfer area where oil may spill into the water that provides for maximum containment of oil from the transfer containment;

(ii) Have personnel trained in the proper use and maintenance of boom and recovery equipment; and

(iii) Have the following recovery equipment available on-site:

(A) Containers suitable for holding the recovered oil and oily water;

(B) Nonsparking hand scoops, shovels, and buckets; and

(C) Enough sorbent materials and storage capacity for a two barrel oil spill appropriate for use on water or land.

(b) Within one hour of being made aware of a spill the deliverer must be able to complete deployment of an additional five hundred feet of boom for containment, protection or recovery.

(c) Within two hours of being made aware of a spill, the deliverer must have an additional five hundred feet of boom available for containment, protection, or recovery.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-110, filed 7/29/94, effective 10/29/94.]

NEW SECTION

WAC 317-40-125 Providing safe vessel access. (1) A receiving vessel must have an accommodation ladder in place to use for access between the receiving and delivering vessel, or between the receiving vessel and facility.

(2) If the delivering vessel determines that the ladder is inaccessible or unsafe, another means of access must be provided that meets the standards established in the International Convention for the Safety of Life at Sea, 1974, as consolidated in 1986 (SOLAS).

(3) If the vessel master or PIC determines access is not safe due to winds, sea state, currents or other environmental conditions, the master or PIC may allow communication by radio or other means described in WAC 317-40-140.

(4) The entire ladder and the portion of the ship's deck where access is provided must be illuminated during low light situations and without glare to the persons using the ladder.

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AMENDATORY SECTION (Amending WSR 94-16-076, filed 7/29/94, effective 10/29/94)

WAC 317-40-130 ((Oil spills.)) Pretransfer conference. ((~~(1) In the event oil is spilled into the water, or discharged onto either the receiving or delivering vessel's deck outside fixed containment, the vessel's persons in charge shall immediately shut down the bunkering operation.~~

~~(2) Bunkering may not resume until:~~

~~(a) Notification is made as required in RCW 90.56.280; and~~

~~(b) The persons in charge determine that there is no threat of subsequent oil spills.))~~ (1) Before the start of an oil transfer operation, the PICs must hold a face to face pretransfer conference unless the receiving vessel's master/officer-in-charge determines it is unsafe under WAC 317-40-120. If it is determined unsafe to board the vessel, the conference may take place via phone or VHF radio.

(2) The PICs must discuss and agree upon:

(a) The preloading or cargo plan;

(b) The contents of the declaration of inspection (DOI) required under 33 CFR 156.150;

(c) Procedures for communicating soundings, changing over tanks, and beginning topping off;

(d) Shift change procedures;

(e) Emergency shutdown procedures and identify all means to shut down the oil transfer operation in an emergency; and

(f) Expected weather and/or sea conditions and threshold values for weather and sea conditions above which oil transfer operations must cease.

(3) The receiving vessel PIC, if taking bunkers, must identify the point-of-transfer watch and deck-rover watch to the delivering PIC.

(4) An oil transfer will not begin unless a person proficient in both English and a language common to the vessel's officers and crew is present at the pretransfer conference.

(a) If the vessel or facility PIC is not satisfied with the vessel representative's English proficiency, he or she must request an interpreter.

(b) If requested by ecology, the U.S. Coast Guard, the delivering vessel, or the facility, the owner or operator of the receiving vessel must provide an interpreter proficient in English and a language common to the officers and crew.

(5) The master/officer-in-charge or his designee must record in the vessel's deck log immediately upon completion, the date and time of the pretransfer conference.

If the receiving vessel is not in service and does not have a deck watchstander on duty, the PIC may alternatively enter the required information in the engine room log.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-130, filed 7/29/94, effective 10/29/94.]

AMENDATORY SECTION (Amending WSR 94-16-076, filed 7/29/94, effective 10/29/94)

WAC 317-40-140 ((Compliance.)) Communications. ~~((1) Upon request by the office, an owner or operator of a receiving or delivering vessel involved in bunkering in state waters shall demonstrate compliance with this chapter. The owner or operator shall make available to the office any or all of the following: (a) The receiving vessel's official and engineering logs; (b) written company policies; (c) standing orders; (d) the receiving vessel's preloading plan; (e) each vessel's declaration of inspection form; (f) the vessel's oil transfer procedures; and (g) training materials.))~~ (1) The delivering vessel's PIC must ensure continuous two-way voice communications is usable and available in all weather conditions as well as all phases of the transfer operation between the PICs.

(2) The delivering PIC must ensure at least the following are available for use during the oil transfer operation:

(a) Two portable communication devices that are intrinsically safe; and

(b) An air horn for emergency signals.

(3) The PICs must ensure personnel involved in the oil transfer know and use English phrases and hand signals to communicate the following instructions during the oil transfer: "Stop," "hold," "wait," "fast," "slow," and "finish."

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-140, filed 7/29/94, effective 10/29/94.]

AMENDATORY SECTION (Amending WSR 94-16-076, filed 7/29/94, effective 10/29/94)

WAC 317-40-150 ((Enforcement.)) Oil transfer procedures. ~~((1) Failure to comply with the requirements of chapter 88.46 RCW, the provisions of this chapter, or any order or administrative action issued by the office under this chapter, the office may: (1) Order an immediate shutdown of the bunkering procedure; (2) Require additional personnel;~~

~~(3) Refer the violations for criminal prosecution pursuant to RCW 88.46.080; or~~
~~(4) Take other appropriate actions to address the violation.))~~
(1) All oil transfer operations must be supervised by a PIC designated in writing by the owner or operator.
(2) A receiving vessel's oil transfer procedures (OTPs) must have, in addition to the information required under 33 CFR 155.720, the following:
(a) Each person assigned oil transfer duties must be equipped with two-way communications to communicate with the PIC's and the covered vessel's master or officer-in-charge.
(b) If the deck-rover or point-of-transfer watch identifies a spill or a threat of a spill, he/she must report it to the PIC immediately.
(c) Except for the deck-rover watch, personnel assigned oil transfer responsibilities must perform only those duties assigned while the oil transfer is underway, and that all personnel assigned to oil transfer duties remain at their workstations during topping off.
(3) The receiving vessel PIC must notify the delivering PIC immediately before topping off begins and confirm the transfer rate.
(4) When a PIC is relieved, he or she must:
(a) Discuss the preloading or cargo transfer plan and the transfer status with the relieving PIC;
(b) Notify the PIC at the other side of the transfer that relief is taking place; and
(c) Ensure the relieving PIC reads and signs the DOI.
(5) All vessels participating in oil transfer operations must have procedures for oil transfer operations during inclement weather or sea conditions.
(a) Vessels transferring at a facility must follow the facility's weather threshold values.
(b) These procedures must be located where personnel involved in the oil transfer operation can access it.
(c) These procedures must include, at a minimum:
(i) Requirements for monitoring weather and sea conditions and forecasts;
(ii) Requirements for communicating weather and sea forecasts or conditions to the PICs at regular intervals, if PICs cannot monitor these themselves;
(iii) Threshold values for weather and sea conditions above which oil transfer operations must cease;
(iv) Requirements for monitoring the vessel's mooring, transfer hoses, or piping for unusual or unexpected strain caused by weather and sea conditions;
(v) Requirements for staffing the tank ship's engineering space such that the tank ship's engines are on standby and ready for immediate maneuvering in cases where the conditions described in (c)(iii) of this subsection are experienced; and
(vi) Requirements for the delivering vessel to cease oil transfer operations or attempt to secure the services of an

appropriately sized tug when the threshold values in (c)(iii) of this subsection are experienced.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-150, filed 7/29/94, effective 10/29/94.]

NEW SECTION

WAC 317-40-160 Soundings. (1) The receiving PIC must sound all tanks involved in the oil transfer operation before the transfer begins and record these values in the preload plan.

(2) The receiving PIC must frequently sound the tanks during loading to verify transfer rates, tank levels, and to ensure tank volumes do not change once tanks are no longer actively filled.

(3) During start-up, steady state pumping, and topping off, both PICs must estimate and verify the transfer rate at least hourly to determine the transfer rate conforms to the agreed upon rate in the preload or cargo plan.

(4) The receiving PIC must notify the deliverer if the transfer rate is unacceptable and the deliverer must adjust as necessary.

(5) When a shift change occurs for any PIC, the relieving PIC must verify the current transfer rate and the status of all tanks involved in the transfer operation.

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PART C: BUNKERING

NEW SECTION

WAC 317-40-200 Delivering vessel procedures. Delivering vessel personnel must not begin bunkering unless:

(1) The tankerman meets the certification requirements under 46 CFR Part 13 and has undergone annual training to become familiar with the requirements of this chapter;

(2) The vessel(s) and facilities involved in the oil transfer meet the appropriate requirements in this chapter;

(3) A declaration of inspection (DOI) was discussed during the pretransfer conference and signed by both PICs as required under 33 CFR 156.120; and

(4) The receiving vessel's PIC has discussed procedures for informing the delivering vessel's PIC before changing over tanks and beginning topping off.

[]

NEW SECTION

WAC 317-40-210 Receiving vessel pretransfer training. Receiving vessel personnel on a covered vessel being refueled in state waters must comply with the requirements of this section.

(1) Except for a receiving vessel subject to WAC 317-40-230 Intrastate operation, a receiving vessel's PIC must conduct a training session for all personnel with duties under the vessel's oil transfer procedures within forty-eight hours before a vessel's scheduled oil transfer operation.

(2) If the oil transfer operation is postponed and the training is no longer within forty-eight hours, the pretransfer training must be conducted again, so that it is within forty-eight hours before the oil transfer can begin.

(3) The PIC must conduct training in a language common to both the PIC and personnel being trained.

(4) The training must include, but is not limited to, a review of the:

(a) Vessel's preloading or cargo transfer plan as described in this chapter, as applicable;

(b) Chief mate/first officer's cargo orders, as applicable;

(c) Civil and criminal penalties and liabilities for not complying with federal and state regulations, and for spilling oil in Washington waters;

(d) Vessel's oil transfer procedures, including each person's

responsibilities and station;

(e) English phrases and hand signals to communicate the instructions listed in WAC 317-40-140(3); and

(f) Emergency shutdown procedures described in 33 CFR 155.780.

(5) If relief personnel are assigned to oil transfer duties, and did not attend the pretransfer training session, the PIC must train them in these duties before they assume oil transfer responsibilities.

(6) The master/officer-in-charge or his designee must record in the vessel's deck log immediately upon completion of any pretransfer training sessions, the date and time of the training session and the name and rating of who attended.

If the receiving vessel is not in service and does not have a deck-rover watch on duty, the PIC may alternatively enter the required information in the engine room log.

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NEW SECTION

WAC 317-40-220 Preloading plan. The receiving vessel's PIC must prepare a preloading plan prior to conducting the training session required in WAC 317-40-210. The receiving PIC must ensure that a copy of the preloading plan is posted at a place where the plan is easily seen by, and in a language common to, vessel personnel engaged in bunkering. The preloading plan must include, at a minimum, the following:

(1) Identification, location and capacity of the vessel's tanks receiving oil;

(2) Level and type of liquid in all bunker tanks prior to the oil transfer;

(3) Final ullage or innage, and percent of each tank to be filled;

(4) Sequence in which the tanks are to be filled; and

(5) Procedures to regularly monitor all tank levels and valve alignments during the transfer operation.

[]

NEW SECTION

WAC 317-40-230 Intrastate operations. (1) A receiving vessel operating on waters of the state more than fifty percent of the time in a calendar year and that bunkers three or more times in a month must conduct the training session described in WAC 317-40-210 at least once every month.

(2) The receiving vessel's owner or operator must submit a written schedule of the vessel's typical operations to ecology stating:

- (a) The vessel's name, call sign, and official number;
- (b) The routes served by the vessel;
- (c) The number of bunkering operations performed in any thirty days; and
- (d) The location and time of bunkering operations.

(3) The receiving vessel's owner or operator must notify ecology as soon as possible when making a change in the vessel's typical operations.

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NEW SECTION

WAC 317-40-240 Watchstander duties. (1) Point-of-transfer watch and deck-rover watch: For covered vessels other than tank barges, OTPs must designate a point-of-transfer watch and a deck-rover watch.

(2) Each watch must be equipped with two-way communications to communicate with the person in charge and vessel master or officer in charge.

(a) The point-of-transfer watch must remain at the point of connection during the oil transfer operation.

(b) The primary duty of the deck-rover watch must be to monitor for oil spills on deck or over the side during the oil transfer operation. The deck-rover watch may also perform other duties not in conflict with his or her primary duty. The deck-rover watch must:

- (i) Visually inspect the deck, water, and each tank's sounding

tube and vent, if accessible;

(ii) Remain in a position during changing over of tanks or topping off to observe if any spillage on deck or in the water occurs; and

(iii) Inspect the mooring lines and fendering equipment.

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NEW SECTION

WAC 317-40-250 Bunkering by a facility. The PIC for a vessel conducting an oil transfer with a facility must ensure that the vessel's personnel comply with these rules and with the facility's oil transfer procedures described in the facilities operations manual.

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NEW SECTION

WAC 317-40-260 Bunkering transfer restrictions. (1) The vessel PIC may be in charge of both a delivery and receiving operation for a vessel.

(2) Environmental conditions for bunkering operations at the transfer location:

(a) Winds:

(i) When wind speeds remain at thirty knots or greater for longer than five minutes, the deliverer must log the wind speed and direction in thirty minute intervals during oil transfer operations.

(ii) If during an oil transfer operation winds of forty knots or more for a period of five minutes or more occur, the deliverer must stop pumping and the hoses or piping must be drained and disconnected.

- (b) Wave height or sea state:
 - (i) Oil transfers involving an oil barge and a ship must not begin if the combination of wave and swell height is six feet or greater.
 - (ii) Oil transfers at regulated facilities must follow the weather criteria in the facilities operations manual and discussed in the pretransfer conference required in this chapter.
- (c) Current velocity: If current velocity is predicted or expected to exceed three knots the PICs must discuss and establish ground tackle and mooring line arrangement to handle anticipated line loads and discuss tending arrangements.

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PART D: OIL CARGO TRANSFER TO OR FROM A FACILITY

NEW SECTION

WAC 317-40-300 Cargo transfer plan. The receiving vessel's PIC must prepare a cargo transfer plan, copies of which must be posted at places where the plan is easily seen by, and in a language common to the receiving tank vessel's personnel engaged in oil transfers. The plan must include at least the following:

- (1) Identification, location and capacity of the vessel's tanks receiving or discharging cargo;
- (2) Level and type of liquid in all cargo tanks prior to the oil transfer;
- (3) Final ullage or innage, and percent of each tank to be filled;
- (4) Sequence in which the tanks are to be loaded or discharged;
- (5) Procedures to regularly monitor all tank levels and valve alignments;
- (6) When in the transfer to slow transfer rate for topping off; and
- (7) When discharging, document the proper inert gas pressure and percent O₂.

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NEW SECTION

WAC 317-40-310 Oil transfer by a facility. The PIC for a covered vessel conducting an oil transfer with a facility must ensure that the vessel's personnel comply with these rules and with the facility's oil transfer procedures described in the facilities operations manual.

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